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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,537	11/21/2003	Manfred Huengerle	32860-000654/US	7979
7590	07/07/2005		EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. Box 8910 Reston, VA 20195			NGUYEN, HOANG M	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/717,537	HUENGERLE ET AL.
	Examiner Hoang M. Nguyen	Art Unit 3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 June 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

Applicant's amendment dated June 22, 2005, has been fully considered.

Applicant has amended the claims to overcome the 112, 2nd paragraph rejection. The Examiner has withdrawn the 112 rejection accordingly.

However, Applicant has added new claims 9-17, and argued that the applied reference fails to teach the step of determining a second desired value by adopting the mass flow, a forward-flow temperature, and the return flow temperature. The Examiner strongly disagrees, Applicant's attention is directed to page 4, right column, paragraph 37, Coll et al teaches that "the controller 125 to provide...of the various control points A1-A11 including ... gas flow rate, inlet and outlet temperatures.. of the condenser 102.. Controlling and monitoring at least three of the above mention parameters ... enables setting the capacity of the system 100.., thereby permitting load following, using a variable capacity operation". That paragraph clearly disclose that many elements in Coll's power plant including the condenser 102 is monitored and controlled by the controller 125 by at least three parameters including gas flow rate which is equivalent with the mass flow, input temperature which is equivalent with the return flow temperature because please note this is a closed system, and an output temperature which is equivalent with the claims forward temperature, and that control step at that specific location of the condenser 102 would clearly control the power output of the power plant and/or the second desired power output as claimed.

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For the reasons set forth above, claims 1-17 are rejected and this Office Action is made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17, are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0213246 (Coll et al.).

Coll et al discloses a method for controlling a combined power plant comprising a controller 125 for sensing many conditions including a mass flow, input and output temperatures of a condenser 102, said controller also controlling the desired output value based on electrical power output in amp/watt meter from the sensor S8, note page 5 and complete table 2. Regarding claims 2-3, 4-5, please note page 3, paragraphs 25, 26, the desuperheater 106 may be bypassed so that the condenser 102 is heated by the exhaust steam from the steam turbine as claimed. Applicant's attention is directed to page 4, right column, paragraph 37, Coll et al teaches that "the controller 125 to provide...of the various control points A1-A11 including ... gas flow rate, inlet and outlet temperatures.. of the condenser 102.. Controlling and monitoring at least three of

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the above mention parameters ... enables setting the capacity of the system 100..., thereby permitting load following, using a variable capacity operation". That paragraph clearly disclose that many elements in Coll's power plant including the condenser 102 is monitored and controlled by the controller 125 by at least three parameters including gas flow rate which is equivalent with the mass flow, input temperature which is equivalent with the return flow temperature because please note this is a closed system, and an output temperature which is equivalent with the claims forward temperature, and that control step at that specific location of the condenser 102 would clearly control the power output of the power plant and/or the second desired power output as claimed.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (571)-272-4859. The fax phone number for the Examiner is (703) 872-9302 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.

A handwritten signature consisting of stylized initials and the date "07/05/05".

HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
7/5/05